

**OVERVIEW**

Federal law prohibits delaying or denying the placement of a child for adoption or foster care on the basis of race, color, or national origin of the adoptive or foster parent, or the child involved.

Any decision to consider the use of race, color, or national origin as part of placement selection criteria must be based on individual circumstances of the child. The consideration must clearly document how it will advance the child's interests or needs.

Violation of this statute subjects the state or other entity in the state involved in adoption and foster care placements to financial penalties.

**American  
Indian/Alaska  
Native Children**

Policy outlined in [NAA 215, Placement/Replacement Priorities for Indian Children](#), must be followed for children who are identified as American Indian/Alaska Native (AI/AN) or when there is reason to believe the child is AI/AN. Documentation of each placement an AI/AN child has must be maintained in the case service plan to show the efforts to comply with placement priorities.

**POLICY**

Any consideration of race, color, or national origin in foster or adoptive placements must advance the child's best interest and must be made as an individualized determination of each child's needs and the specific prospective foster or adoptive parent's capacity to care for that child. Further, when the consideration of race, color, or national origin occurs in relation to a placement decision the following four critical elements must be guaranteed:

- Delays in placing children who need a foster or adoptive placement will not be tolerated and denials must be based on appropriate consideration.
- Discrimination will not be tolerated, whether directed toward adults who wish to serve as foster or adoptive parents, children who need safe and appropriate homes or communities or populations.

- Active, diligent, and lawful recruitment of potential foster or adoptive parents of all backgrounds is both a legal requirement and a valuable tool for meeting the demands of good practice.
- The standard in foster or adoptive placements is to always be the best interest of the child. To determine the best interest of the child, consideration must be given to the role or distinctive need and/or interest that race, color, or national origin has played in the child's life.

## **COMPLAINT PROCEDURES**

Any foster/adoptive applicant or approved foster/adoptive parent who has reason to believe that he/she has been denied or delayed the placement of a child because of race, color, or national origin may file a complaint.

### **Written Complaint**

A complaint should be in writing, contain the name, address, and phone number of the complainant, and briefly describe the nature of the complaint and the circumstances of the alleged discrimination. A complaint should be filed within 10 business days of the occurrence of the alleged act of discrimination. This requirement may be waived by the foster care or adoption program manager or designee if extenuating circumstances exist which justify an extension. However, in no case will a complaint be reviewed after 90 days of the occurrence of the alleged act of discrimination.

The written complaint must be filed with:

Office of Child Welfare Policies and Programs (OCWPP)  
Foster Care/Adoption Program Office  
Suite 510  
PO Box 30037  
Lansing, Michigan 48909  
Email: [Child Welfare Policy Mailbox](#)

The following individuals must receive a copy of the complaint:

- The director of the supervising agency alleged to have denied or delayed the placement of a child because of race, color, or national origin.

- The director of the local MDHHS office, if the case is managed by a private child placing agency.
- The assigned MDHHS Business Services Center director.
- The OCWPP foster care program manager, if the complaint is from a foster parent/applicant.
- The OCWPP adoption program manager, if the complaint is from an adoptive parent/applicant.

### **Informal Hearing**

The adoption program manager, or designee and/or the foster care program manager or designee and a representative from the assigned MDHHS Business Services Center will hold an informal conference to review the facts of the allegation within 10 business days of receipt of the written complaint. An extension of the time limit may be warranted if convenient for all parties. The complainant will be notified in writing of the location, date, and time of the conference. Complainants who are unable to attend a conference in person due to their location will be offered a teleconference.

### **Review**

The adoption program manager or designee and/or the foster care program manager or designee and a representative from the assigned MDHHS Business Services Center will informally review the facts of the complaint and notify the complainant of conclusions in writing within 10 business days of the conference/teleconference.

### **Appeal**

The complainant may appeal an unfavorable decision by email to [MDHHS Compliance Office](#) or in writing to:

Compliance Office  
Michigan Department of Health and Human Services  
333 South Grand Avenue, 4th Floor  
Lansing, MI 48909

For more information on the grievance procedure for appealing an unfavorable decision, see [APX 680, Compliance with Section 1557 of the Affordable Care Act](#).

This procedure does not impair the right of an individual to file a complaint with the [Office for Civil Rights, U.S. Department of Health and Human Services](#) or the [Michigan Department of Civil Rights](#).

**Legal Authority**

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.

Social Security Act, 42 USC 671(a)(18)

Section 1557 of the Patient Protection and Affordable Care Act, 45 CFR Part 92.

**CONTACT**

Questions about this policy item may be emailed to the [Child Welfare Policy Mailbox](#).